

Statement made on behalf of: The Commissioner of Police of the Metropolis

Witness: Sue Akers

Statement No: 2

Exhibits Referred to: None

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The Leveson Inquiry into the Culture Practices and Ethics of the Press

Witness: Sue Akers

Occupation: Deputy Assistant Commissioner

Address: c/o New Scotland Yard

1. I have been required by the Inquiry to provide a statement of the current position regarding Operation Elveden providing as much detail as possible, without naming individuals, as is compatible with the ongoing police investigation.
2. Operation Elveden began on 20 June 2011 when News International (NI) disclosed material to the Metropolitan Police Service (MPS) that indicated that police officers had been receiving cash payments from journalists from the News of the World for the provision of confidential information.
3. The Management and Standards Committee (MSC) is an independent body outside of NI and was formally established by News Corp on 21

July 2012. Lord Grabiner QC has been appointed as its Independent Chairman. The MSC reports directly to Joel Klein, Executive Vice President and News Corp Board Director. In this role they respond to requests for information from the police which we consider are relevant to our inquiries. Our aim is to identify criminality. It is not to uncover legitimate sources and therefore the MSC responds in a manner that seeks to protect legitimate journalist sources at all times. They are also overseeing the searches being conducted of the 300 million emails produced by NI.

4. This established structure, the MSC's relationship with the MPS' investigations and the assistance it has given us to date, gives me confidence that the contentions made by Brian Paddick at paragraph 63 of his statement are completely without foundation.
5. The Terms of Reference for Operation Elveden were initially set in relation to payments to police officers by NI staff only. It has, however, always been our intention to follow the evidence where it takes us. Given what we have more recently discovered (as set out further below) those Terms of Reference have now been revised to include other public officials. Legal advice was sought from the CPS at an early stage and advice relating to potential offences has now been obtained; this includes Corruption under the 1906 Prevention of Corruption Act, Misconduct in a Public Office and conspiracy to commit these offences. Given the issues raised by Article 10 of the Human Rights Convention. Legal advice has

also been sought in relation to the public interest in investigating such payments. The CPS advice has informed our investigative strategy, which is to focus at the present time on cash payments, as opposed to other more general hospitality such as drinks and meals. The Terms of Reference for Operation Elveden do in fact specifically exclude general hospitality because of a recognition that this forms part of journalistic practices. Legal advice has also been sought in relation to police powers in investigating journalists and the offices of the newspapers.

6. At present 40 MPS police officers and staff are deployed on Operation Elveden and this is in the process of increasing to 61. These numbers do not include a small number of officers from neighbouring forces who have been seconded to the operation. To date 22 persons have been arrested and bailed. This number comprises 16 journalists, 3 police officers, a member of the armed forces, a member of the MOD and a person acting as a conduit to a public official.
7. The MSC's role and remit is important to Operation Elveden as current legislation would make it difficult, if not impossible, for police to access material of the type it is seeking without that assistance. Where there is an evidential base to request information, the MSC have provided it in an unredacted format in order to enable police to identify the public official concerned. However, in relation to wider requests regarding the system by which cash payments were made, the MSC provide information to police in a redacted form, i.e. with the names of the potential source

redacted, until police are able to produce evidence that can justify identifying the source.

8. Initially, Operation Elveden focused on the material disclosed by NI on 20 June 2011 which identified an ex-News of the World journalist who may have paid police for information. A number of ex-senior managers from the News of the World were subsequently arrested for authorising / facilitating such payments. This involved going through large volumes of business records and setting up a system to search the emails. This line of enquiry continues but no police officers/staff have yet been identified as suspects.
9. Another line of enquiry developed into a News of the World journalist. That evidence showed that that individual had met with many police officers and that some of those officers may have received cash payments. The methodology was similar to the above, going through large volumes of business records. It was very time consuming. To date no police officers/staff have been identified as suspects in connection with this matter. This individual journalist was arrested in December 2011.
10. The email searches of the News of the World also identified a police officer from the MPS Specialist Operations (SO) Directorate who was seeking payments from journalists with the News of the World. That officer was arrested in December 2011.

11. The searching of these News of the World e-mails continues and is being conducted in a targeted manner in order to identify illegal payments to public officials.
12. On a date between July and November, the MSC initiated, of their own volition, an internal review of The Sun newspaper. This review had not been requested by the MPS. In November 2011, the MSC review discovered some suspicious emails which they considered appropriate to disclose to police for consideration. This led police to arrest a Sun journalist in November 2011. Further results of the MSC's internal review were provided to the MPS on 18 and 24 January 2012 and these continuing disclosures led to the arrests made on 28 January 2012 of four 'Sun' / NI employees and one serving police officer from the Territorial Policing Directorate. A further operation, on Saturday 11 February 2012, led to the arrest of five Sun employees, one serving police officer, one member of the MOD and an army officer. A relative of a public official was also arrested for acting as a conduit to hide a cheque payment to that person.
13. Whilst the initial information which led to these arrests was provided to police by the MSC, Operation Elveden had to conduct extensive enquiries to identify the source, the journalist, the cash payment, the authorisation of the cash payment and the subsequent story resulting from the unauthorised disclosure. The arrests - without warning - have

been conducted as we would in any other case, where the primary aim is to secure best evidence and prevent suspects conferring or disposing of evidence.

14. The purpose of police action to date has been proactively to investigate the criminality which has been identified. The aim has never been to threaten the existence of The Sun. To this end there has been liaison with the MSC to take account of business risk to The Sun newspaper hence searches being made at The Sun offices on a Saturday when the office would be empty.
15. The Inquiry has asked me to describe the extent and character of the criminality being uncovered. I shall attempt to do so without specifying details that might damage the continuing investigation.
16. Payments by journalists to public officials have been identified in the following categories: Police; Military; Health; Government; Prison and others. The evidence suggests that such payments were being made to public officials across all areas of public life. The current assessment of the evidence is that it reveals a network of corrupted officials. There appears to have been a culture at The Sun of illegal payments, and systems have been created to facilitate such payments whilst hiding the identity of the officials receiving the money. The emails indicate that payments to "sources" were openly referred to within The Sun, with the

category of public official being identified, rather than the individual's identity.

17. There is a recognition by the journalists that this behaviour is illegal, reference being made to staff 'risking losing their pension or job', to the need for "care" and to the need for "cash payments". There is also an indication of 'tradecraft', i.e. hiding cash payments to "sources" by making them to a friend or relative of the source. The evidence further suggests that the authority level for such payments to be made, is provided at a senior level within the newspaper.
18. Whilst the activity is clearly evidenced the actual identity of the public officials is hidden. This is the reason, at this early stage of the investigation, that more journalists have been arrested than public officials. As the investigation progresses it is anticipated that detailed enquiry will identify the corrupt public officials and they will be arrested.
19. I am reluctant to provide any detailed information about future proposed operational activity but to adopt the analogy I used the last time I was before this Inquiry, we are nearer the start line than the finish on this Inquiry and there remain a number of persons of interest. These include journalists and public officials.
20. I have been expressly asked to describe in as much detail as possible the nature and extent of the wrong doing Operation Elveden has found.

At this stage I can only give very general examples. The cases we are investigating are not ones involving the odd drink, or meal, to police officers or other public officials. Instead, these are cases in which arrests have been made involving the delivery of regular, frequent and sometimes significant sums of money to small numbers of public officials by journalists. Some of the initial emails reveal, upon further detailed investigation, multiple payments to individuals of thousands of pounds. In one case the figure, over several years, is in excess of £80,000. There is also mention in some emails of public officials being placed on "retainers" and this is a line of enquiry currently being investigated. One of the arrested journalists has, over several years, received over £150,000 in cash to pay his sources, a number of whom were public officials.

21. The police investigation is mindful of Article 10 and issues regarding public interest in relation to information that has been passed to a particular journalist and is working closely with the CPS in this regard. Essentially, it is for a Judge to make the final assessment in relation to whether there is a public interest in a specific disclosure. What I can indicate, however, is that the vast majority of the disclosures that have been made and which have led to the stories we are currently investigating can best be described as salacious gossip. They often involve, however, a breach of trust by the public official and an invasion into the privacy of the subject(s) of the newspaper article.

22. The police investigation is also mindful of the need to protect genuine journalistic sources but in seeking to identify corrupt relationships it is necessary to probe this sensitive area. The MSC are robust in managing such disclosures for that reason and the MPS will not seek to act against such sources. However, the payment to public officials for confidential information is illegal, especially in relation to police officers, and cannot therefore be tolerated. It would be in wholly exceptional circumstances that such behaviour could be justified.

I believe the facts stated in this witness statement are true

Signed

Dated.....24.2.12.....